



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (520) 629-4427
Facsimile (520) 879-4705

Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON PALM TERRACE LITIGATION**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

LEWIS
AND
ROCA
—LLP—
LAWYERS

1 The Court having considered the "Fourth Omnibus Objection of USACM Trust To
2 Proofs of Claim Based Upon Palm Terrace Litigation" [Docket No. 6755] (the
3 "Objection"); with appearances as set forth in the record at the hearing noted above;
4 appropriate notice of the Objection having been given; with one response to the Objection
5 having been filed by Wow Enterprises; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained; and
8 2. The claims listed on Exhibit A to this Order are disallowed in their entirety.

9
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**


12 By /s/ John Hinderaker (018024)
13 Rob Charles
14 John Hinderaker
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (520) 629-4427
18 Facsimile: (520) 879-4705

19 *Attorneys for USACM Liquidating Trust*

20 APPROVED/DISAPPROVED

21 By: _____
22 August Landis
23 Assistant United States Trustee

24 APPROVED DISAPPROVED

25 By: 
26 Jonathan A. McMahon
Bruce Piontkowski
Tingley Piontkowski LLP
Attorneys for Palm Terrace Claimants

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

| | |
|--|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input checked="" type="checkbox"/> failed to respond to the document |
| Other Party: Bruce Piontkowski | |
| <input checked="" type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – PALM TERRACE CLAIMS

| <u>Claimant's Name and Address</u> | <u>Claim #</u> | <u>Claim Amount</u> |
|--|-----------------------|----------------------------|
| Osborne, John R c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01060 | \$2,000,000.00 |
| Helms, Robert c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01061 | \$2,000,000.00 |
| Thylin, Jim c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01062 | \$2,000,000.00 |
| Gray, Carol c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01063 | \$2,000,000.00 |
| Douglas, James c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01064 | \$2,000,000.00 |
| Kang, David N c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01065 | \$2,000,000.00 |
| Finch, Connie c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01066 | \$2,000,000.00 |
| Ciardella, Cathi c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201 | 10725-01067 | \$2,000,000.00 |